

Notice of Allowability

Application No.

10/720,991

Examiner

Janet L. Coppins

Applicant(s)

KERWIN, SEAN M.

Art Unit

1626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicants' Amendment of June 6, 2007.
2. ☒ The allowed claim(s) is/are 32-35, 37 and 38.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. Claims 32-35, 37 and 38 are currently pending in the instant application.

Response to Amendment

2. Receipt is acknowledged of Applicant's Amendment and Response of June 6, 2007, which has been reviewed by the Examiner and entered in the file. Accordingly, claims 1-11 and 36 have been cancelled and claim 32 has been amended.

Claim Rejections - 35 USC § 102

3. Claims 32, 33, 35 and 37 previously rejected under 35 U.S.C. 102(b) as being anticipated by Dunwell et al. In view of Applicants' amendments to the claims and persuasive arguments, the Examiner withdraws the rejections to the claims.

REASONS FOR ALLOWANCE

4. In view of Applicant's amendatory changes and cancellations, claims 32-35, 37 and 38 are allowable over the prior art, as newly renumbered claims 1-6. The following is an examiner's statement of reasons for allowance:

This invention relates to a novel method of preparing 2-substituted-1,3-benzoxazole compounds. The allowable method is limited to the process of claim 32, wherein a benzanilide compound of formula III is reacted with an acid and the reaction is heated, to produce a benzoxazole compound of formula II. Certain 2-substituted benzoxazole compounds and their processes of preparation are known in the art, however the aspect of preparing the instant claimed 2-(alkyl or aryl substituted)-1,3-benzoxazole derivatives, starting with a compound of formula III wherein the phenyl ring may only be substituted by hydrogen, alkyl, aryl, or halogen; reacting with an acid in a hydrocarbon solvent and then heated, is novel and unobvious. After a

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thorough search, the closest of prior art, the Dunwell et al article, was found to teach a similar process of preparation. However Dunwell fails to teach or render obvious the instant claimed starting compounds according to formula III, and does not fairly suggest reacting them with an acid in a hydrocarbon solvent.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Telephone Inquiry

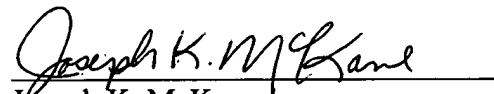
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet L. Coppins whose telephone number is 571.272.0680. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph K. McKane can be reached on 571.272.0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Janet L. Coppins
June 20, 2007


Joseph K. McKane
SPE, Art Unit 1626